

perjury. See Rule 2, 28 U.S.C.A. foll. § 2254. As such, the Court will direct the Petitioner to submit an amended petition within thirty (30) days that complies with the procedural requirements.

In his Motion to Compel, the Petitioner requests this Court to order the Catawba County Clerk to provide him with copies of discovery and transcripts. [Doc. 8]. However, there is no automatic entitlement to conduct discovery in a habeas proceeding and parties may engage in discovery only after obtaining leave of court for good cause shown. Bracy v. Gramley, 520 U.S. 899, 904, 117 S.Ct. 1793, 138 L.Ed.2d 97 (1997).

Because the Petitioner has been directed to submit a superseding amended petition that complies with the procedural requirements, there is no proper § 2254 petition presently before the Court. This Court has also not yet issued any order finding the Petitioner's § 2254 petition to be sufficient and directing the Respondent to address the merits of the petition. The motion seeking discovery is therefore premature, and the Petitioner can show no good cause to justify his entitlement to the requested materials at this time. As such, the motion is denied.

IT IS, THEREFORE, ORDERED that:

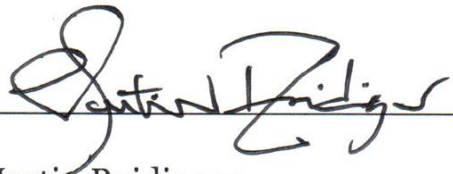
1. The Petitioner shall have thirty (30) days from the date of this Order in which to file a superseding Amended § 2254 Petition for Writ of

Habeas Corpus in accordance with this Order. Failure to do so may result in the dismissal of this action without further notice.

2. The Clerk of Court shall mail a blank § 2254 form to the Petitioner.
3. The Petitioner's Motion to Compel [Doc. 8] is **DENIED**.

IT IS SO ORDERED.

Signed: February 7, 2022



Martin Reidinger
Chief United States District Judge

